

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING TITLE 18, DIVISION 1, ZONING CODE TO AMEND CHAPTER 18.04 "DEFINITIONS", AMEND CHAPTER 18.20 CN NEIGHBORHOOD COMMERCIAL DISTRICT, SECTION 18.20.020 PERMITTED USES, AMEND CHAPTER 18.22 CG GENERAL COMMERCIAL DISTRICT, SECTION 18.22.020 PERMITTED USES OF THE MORGAN MUNICIPAL CODE.

WHEREAS, this proposed Ordinance (Zoning Amendment ZA2016-0007) was considered by the Planning Commission of the City of Morgan Hill at its regular meeting of November 8th 2016, at which time the Planning Commission recommended approval of ZA2016-0007: City of Morgan Hill-Medical Offices and Clinics; and

WHEREAS, this proposed Ordinance (Zoning Amendment ZA2016-0007) was considered by the City Council of the City of Morgan Hill at its special meeting of December 14, 2016; and

WHEREAS, testimony received at duly-noticed public hearings on the proposed Ordinance (Zoning Amendment ZA2016-0007), along with exhibits and other materials submitted as a part of public hearing, have been considered in the review process; and

WHEREAS, adoption of this proposed Ordinance (Zoning Amendment ZA2016-0007) does not constitute a project under the provisions of the California Environmental Quality Act of 1970 as described below.

THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby finds that the amendment established by this ordinance as herein described is compatible with the goals, objectives, and policies of the General Plan of the City of Morgan Hill. The City Council further finds that the proposed amendment is required in order to serve the public health, convenience and general welfare as provided by Section 18.62.070 of the Morgan Hill Municipal Code. The proposed amendment is consistent with the General Plan as follows:

Policy ED-3.1 Business Retention, Expansion, and Attraction Efforts. Encourage retention and expansion of existing businesses, and attract new businesses, that:

- **Generate revenue to the City General Fund (such as retail and point-of-sale manufacturing);**

- **Help provide greater fiscal strength and stability to the City;**
- **Add industry diversity to the local economy;**
- **Stimulate other businesses to develop in the city;**
- **Augment or provide a service/amenity presently needed or lacking in the community, including higher education and medical services opportunities; and**
- **Offer higher-paying, quality jobs for local residents. risk areas, including, but not limited to, hospitals and health care facilities, emergency shelters, emergency command centers, and emergency communications facilities, or identify construction methods or other methods to minimize damage if these facilities are located in a state responsibility area or very high fire hazard severity zone.**

The amendments are comprehensive and consistent with the City Council's community priorities to attract and grow medical services in Morgan Hill.

Policy SSI-11.3 Medical Services. Encourage provision of a full range of medical services in the city, including an acute care hospital.

The amendments provide for medical offices and clinics in commercial zones as permitted uses allowing for additional opportunities to expand, retain and attract medical services.

SECTION 2. Projects approved pursuant hereto are exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of Guidelines for CEQA. The proposed text amendments to the Morgan Hill Municipal Code are covered by the general rule that CEQA applies to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The proposed amendments are changes only to definitions of certain uses. Adoption of this amendment does not create changes in the physical environment and are therefore exempt pursuant to the exemption described above.

SECTION 3. The City Council hereby amends Title 18, Division 1, Zoning Code to amend Chapter 18.04 "Definitions", amend Chapter 18.20 CN Neighborhood Commercial District, Section 18.20.020 Permitted Uses, amend Chapter 18.22 CG General Commercial District, Section 18.22.020 Permitted Uses of the Morgan Hill Municipal Code, as outlined in the attached Exhibit A.

SECTION 4. Severability. If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

SECTION 5. Effective Date; Publication. This Ordinance shall take effect thirty (30) days after the date of its adoption. The City Clerk is hereby directed to publish this ordinance pursuant to §36933 of the Government Code.

THE FOREGOING ORDINANCE WAS INTRODUCED AT A MEETING OF THE CITY COUNCIL HELD ON THE FOURTEENTH DAY OF DECEMBER 2016, AND SAID ORDINANCE WAS DULY PASSED AND ADOPTED IN ACCORDANCE WITH LAW BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ATTEST:

APPROVED:

IRMA TORREZ, City Clerk

STEVE TATE, Mayor

⌘ CERTIFICATION ⌘

I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA, do hereby certify that the foregoing is a true and correct copy of Ordinance No. _____, New Series, adopted by the City Council of the City of Morgan Hill, California at its regular meeting held on the 14th day of December, 2016.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

IRMA TORREZ, City Clerk